

SEP. 21. 2005 4:51PM
TO: USPTO

ZILKA-KOTAB, PC

NO. 0302 P. 1

ZILKA-KOTAB
PC
ZILKA, KOTAB & FEECE™

RECEIVED
CENTRAL FAX CENTER

SEP 21 2005

95 SOUTH MARKET ST., SUITE 420
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: September 21, 2005	Phone Number	Fax Number
To: Examiner Schubert		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NAI1P014/01.128.01

App. No: 09/916,929

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Schubert.

Thank you.

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

RECEIVED
OIPE/IAP

SEP 22 2005

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER
ANY OTHER DIFFICULTY, PLEASE PHONE Erica
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

September 21, 2005

RECEIVED
CENTRAL FAX CENTER

SEP 21 2005

Practitioner's Docket No. NAI1P014/01.128.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chris A. Barton et al.

Application No.: 09/916,929

Group No.: 2137

Filed: July 26, 2001

Examiner: SCHUBERT

For: ANTI-VIRUS SCANNING CO-PROCESSOR

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed March 22, 2005, for a second time rejecting claims 1-13, 17-29, and 33-44.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. (mandatory)

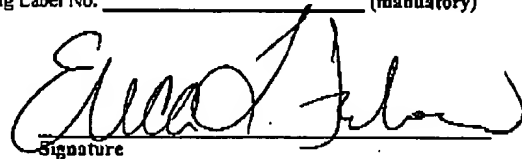
TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date:

9/21/2005

Signature



Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

09/22/2005 CNGUYEN 00000044 501351 09916929

01 FC:1401 500.00 DA
02 FC:1253 1020.00 DA

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee	\$1,020.00
-----	------------

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$500.00
Extension fee	\$1,020.00
TOTAL FEE DUE	\$1,520.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$1,520.00 to Deposit Account No. 50-1351 (Order No. NAI1P014).

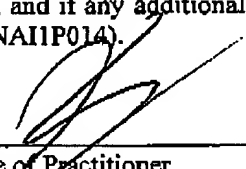
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAI1P014).

Reg. No.: 41429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
ZilkaKotab PC
P. O. box 72 1120
San Jose, California 95172
USA

Notice of Appeal from the Primary Examiner to Board—page 2 of 2